

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KELLI GRAY,

Plaintiff,

v.

Case No. 2:20-cv-336-FtM-66NPM

TOPDOGHR, INC.

Defendant.

ORDER

Before the Court is the parties' Joint Motion to Modify FCRA Fast-Track Scheduling Order (Doc. 18). In this Fair Credit Reporting Act case, the parties request the Fast-Track Order be modified to: (1) allow for the mediation to take place via Zoom or other videoconferencing platform; (2) allow for the parties to exchange agreed upon, informal discovery regarding Plaintiff's damages and Plaintiff's class allegations; and (3) vacate the deadline for filing a motion for class certification set in Local Rule 4.04(b) to be reset after the parties complete mediation. (*Id.*, p. 1).

The FCRA Fast-Track Scheduling Order (Doc. 17) requires the parties to attend mediation in person and stays discovery except as provided by the order. Due to the present situation facing this country, the Court will allow the parties to attend mediation either in person (if the present situation improves) or by a videoconferencing platform. And the Court lifts the stay of discovery, but only to the extent of the parties' agreement. To be clear, the Court will not permit any motion practice relating to discovery while the FCRA Fast-Track Scheduling Order is in place.

Finally, under Local Rule 4.04(b), the named plaintiff is required to file a motion for class certification “[w]ithin 90 days following the filing of the initial complaint.” This requirement conflicts with the intent and purpose of the FCRA Fast-Track Scheduling Order (Doc. 17). Thus the Court finds good cause to extend this deadline and require the parties—if this action is not resolved through mediation—to include a date for filing a motion for class certification in their FCRA Fast Track Case Management Report.

Accordingly, it is **ORDERED**:

- (1) The Joint Motion to Modify FCRA Fast-Track Scheduling Order (Doc. 18) is **GRANTED**.
- (2) The parties may attend mediation either in person or by a videoconferencing platform.
- (3) The parties may conduct discovery limited to their agreement.
- (4) The deadline to file a motion for class certification is extended and will be set in a subsequent case management and scheduling order.

DONE and **ORDERED** in Fort Myers, Florida on August 11, 2020.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE